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Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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The meeting was called to order at 3.15 p.m.

Agenda Item 155: Measures to eliminate international terrorism (*continued*) (A/C.6/53/9; A/C.6/53/L.4)

1. **Mr. Benítez Saénz** (Uruguay) said that his delegation fully endorsed the statement made by the representative of Panama on behalf of the Rio Group. His country had not been immune from the threat of terrorism; Uruguayan citizens had been victims of terrorist acts. His country had always rejected all practices of terrorism as a threat to human rights and democratic freedoms. International terrorism must be combated through international cooperation, especially the elaboration of draft norms that would enable States to prevent and eliminate terrorism in all its forms. His delegation reaffirmed its support for the regional declarations condemning terrorism, such as the Declaration of the Twelfth Summit of the Rio Group and the Lima Plan of Action. It was also looking forward to the special inter-American conference to be held in Argentina.

2. With regard to the draft International Convention for the Suppression of Acts of Nuclear Terrorism (A/C.6/53/L.4, annex I), his delegation endorsed the methodology adopted by the Working Group, which, rather than attempting to define terrorism, had sought to characterize with legal precision each form of conduct considered as a crime. The fruitless efforts made in the past to define terrorism showed that such an attempt would only slow down the Committee's work.

3. His delegation believed that acts of terrorism should not be regarded as political crimes and that their perpetrators should be liable to extradition. For that reason, it endorsed the provisions of draft article 13, paragraph 1. The text should also stipulate that the right of asylum should not be granted in respect of such offences. While his country had a long tradition of defending the right of asylum, his Government believed that asylum was not a right of the individual, but a right of the State to admit to its territory persons whom it deemed to be persecuted for political reasons. The consideration of asylum requests was mainly the province of the executive branch, while extradition requests fell mainly to the judicial branch. As the two branches of government were separate and independent, a conflict could arise if an extradition request was granted in respect of a terrorist criminal who had simultaneously been granted the right of asylum. His Government's approach was validated by the fact that concern had been expressed over the question of extradition and asylum in connection with terrorist offences by the countries represented at the Ministerial Conference on Terrorism held in Paris in July 1996 and at the summit meeting of the South American Common Market (MERCOSUR) held in that same year.

4. Lastly, his delegation expressed appreciation to France for proposing the text of a draft International Convention for the Suppression of Terrorist Financing (A/C.6/53/9, annex); that was an important issue which called for international cooperation.

5. **Mr. Bohaievs'ky** (Ukraine) said that the international efforts to combat terrorism required a more concentrated focus on the underlying causes of the phenomenon, its social roots and historical conditions, as well as on situations that might give rise to terrorism and endanger international peace and security. The roots of international terrorism were poverty, inequality and oppression, and eliminating those conditions would help to reduce the incidence of terrorist acts, at least those which were undertaken as a means of achieving political goals.

6. Terrorist attacks constituted a clear violation of the norms of international law. Their purpose was to undermine international stability and provoke another cycle of violence in international or inter-ethnic relations, thus providing further justification for political support of such crimes. The international community should not, under any circumstances, respond to injustice with further injustice in the name of combating terrorism. Whatever actions were undertaken at the international, regional or national levels must be in full conformity with the basic principles of international law and the provisions of the Charter of the United Nations.

7. In an increasingly interdependent world, the significance of the existing universal mechanisms, especially those established within the United Nations framework, could not be overestimated. In situations where enforcement measures must be taken, it was important not to minimize the role of the Security Council, whose decisions should serve as the legal basis for such measures.

8. His delegation commended the Ad Hoc Committee and the Working Group for their efforts leading to the elaboration of the draft International Convention for the Suppression of Acts of Nuclear Terrorism. The draft represented a reasonable compromise between the positions expressed by delegations during the negotiations. At the same time, there was considerable scope for improvement in article 4 of the revised draft text proposed by the Friends of the Chairman. The joint proposal submitted by Mexico, Switzerland and Ukraine could also constitute a basis for compromise.

9. His delegation expressed appreciation to France for its proposed draft International Convention for the Suppression of Terrorist Financing.

10. Lastly, his delegation again called upon all States which had not yet done so to ratify or accede to the Convention on the Safety of United Nations and Associated Personnel, which provided for the institution of criminal proceedings against individuals accused of attacking United Nations peacekeepers.

11. **Ms. Steains** (Australia) said that her delegation fully supported the work of the Ad Hoc Committee and the Working Group. Her delegation had participated actively in the elaboration of the International Convention for the Suppression of Terrorist Bombings and had initiated the domestic procedures required for its signature.

12. Her Government welcomed the progress made in the drafting of the International Convention for the Suppression of Acts of Nuclear Terrorism. The draft Convention addressed the criminalization of acts by individuals involving the use, possession and manufacture of nuclear material and devices. Care had been taken in elaborating the definitions of nuclear materials within the text, drawing on the expert advice and assistance of the International Atomic Energy Agency (IAEA). The draft Convention also addressed sensitive issues relating to the return of nuclear material in a coherent and logical manner.

13. It would be highly regrettable if the progress made were lost through a reopening of discussion on the draft Convention. That would not be consistent with the sense of urgency expressed by the international community following the bombings in Dar es Salaam and Nairobi. At the same time, her delegation was aware of the concerns expressed by some delegations regarding certain provisions. While it was impossible to produce a text that would reflect the position of all delegations, her Government was of the view that the text proposed by the Working Group was balanced.

14. Several delegations had expressed concern regarding the scope of application of the draft Convention, as set forth in article 4. Her Government believed that the provision was balanced, as it established clearly that the draft Convention should not purport to legalize what would otherwise be illegal, and that therefore it was not intended to have an impact on wider nuclear non-proliferation issues being dealt with in other forums. While her delegation stood ready to discuss various issues, including the concerns expressed by the delegation of Zimbabwe on behalf of the Movement of Non-Aligned Countries at the 25th meeting of the Sixth Committee, it hoped that a spirit of cooperation would prevail, so that those issues could be resolved at the current session of the Committee.

15. Australia welcomed the proposal by France for the elaboration of an International Convention for the Suppression of Terrorist Financing and supported the inclusion of the relevant item in the agenda of the Sixth Committee and the Ad Hoc Committee. The Ad Hoc Committee should consider how to build support for and participation in the existing instruments as a means of enhancing their effectiveness. Her country was a party to 9 of the 11 major anti-terrorism conventions and had encouraged countries in its region to become parties to them as well. Her Government had conducted training and seminars on the prevention of terrorism and had also provided Australian model legislation to some countries in the Asia-Pacific region.

16. **Mr. Kawamura** (Japan) commended the Chairman of the Ad Hoc Committee and the Friends of the Chairman for their efforts to find a compromise solution in the negotiations on the draft International Convention for the Suppression of Acts of Nuclear Terrorism. The text annexed to document A/C.6/53/L.4 was generally acceptable, and his delegation hoped that it would be adopted as soon as possible. While his Government understood that some delegations had reservations concerning the preambular paragraphs, Japan could endorse those provisions as drafted, because they were based on the preambular paragraphs of the International Convention for the Suppression of Terrorist Bombings.

17. As far as the definition of the terms "substantial damage to the environment", "nuclear facility" and "contribution" was concerned, his delegation believed that it would be for each Government to interpret them in a reasonable manner. It was his delegation's understanding that the term "substantial damage to the environment" did not refer to all kinds of damage to the environment, but to relatively substantial damage resulting in death, serious bodily injury or damage to property.

18. With regard to article 4 on the scope of application of the draft Convention, his delegation supported the Belgian proposal. The question of the scope of application had been discussed thoroughly during the negotiations on the International Convention for the Suppression of Terrorist Bombings, and reopening of the question would be counterproductive.

19. With regard to article 18 of the draft, it was his delegation's understanding that the term "prohibited by national law" included cases in which national law, while not prohibiting the export of the material in question,

restricted it in such a way that export was prohibited de facto. Moreover, although paragraph 2 stipulated that any nuclear material should be returned after consultations, that did not necessarily mean that there was an obligation to return such material if consultations failed and there was no agreement on modalities. It went without saying, however, that States should negotiate in good faith.

20. With regard to article 19, his delegation believed that it was appropriate to give IAEA a certain role to play because it already had a well established information network.

21. As to the French proposal concerning an International Convention for the Suppression of Terrorist Financing, his Government believed that it was important to establish a counter-terrorism legal network encompassing the international community as a whole. The importance of depriving criminals, including terrorists, of financing had been stressed by the international community in various forums. His Government supported the idea of a discussion in the Ad Hoc Committee of concrete measures aimed at suppressing the financing of terrorism once the draft International Convention for the Suppression of Acts of Nuclear Terrorism had been finalized. While supporting the basic approach underlying the French proposal, his delegation preferred to study it in detail and revert to the issue at the following session.

22. Lastly, his delegation expressed its reservations concerning the proposal made by several delegations for the elaboration of a comprehensive international convention on the suppression of terrorism. It was premature to take such a step before the necessity and feasibility of such a convention had been thoroughly explored.

23. **Ms. Eugene** (Haiti) said that her delegation condemned the bombings carried out simultaneously against Kenya and Tanzania in August 1998, as well as the recent attack in Israel in which two people had been killed and many others wounded. In order to eliminate impunity for terrorists, terrorism should be included within the jurisdiction of the International Criminal Court.

24. Her delegation wished to thank the Russian Federation for submitting its draft International Convention for the Suppression of Acts of Nuclear Terrorism, and noted with satisfaction the achievements of the Ad Hoc Committee established under General Assembly resolution 51/210 to elaborate the Convention. Haiti supported those delegations which had suggested that the draft Convention should include a prohibition against the dumping of toxic wastes in less developed countries. Her delegation also supported the French proposal concerning a draft International Convention for the Suppression of Terrorist Financing.

25. **Ms. Simbrao de Carvalho** (Angola) said that her delegation endorsed the statement made by the delegation of Zimbabwe on behalf of the non-aligned countries.

26. Terrorism jeopardized the security and stability of Governments. Some countries legitimized acts of terror by helping and protecting groups that undertook terrorist activities against other countries, including their countries of origin. The problem resided in the fact that those countries gave support to terrorist activities instead of taking measures to prevent and neutralize such military actions, thus violating the principle of non-interference in the internal affairs of other States. That interference gave rise to State terrorism, one of the most harmful forms of terrorism. Angola was taking steps to accede to the main conventions on the subject.

27. Her delegation supported the French proposal concerning the draft International Convention for the Suppression of Terrorist Financing, as well as the draft International Convention for the Suppression of Acts of Nuclear Terrorism. There was also a need for a global convention to fight the scourge of terrorism in its multifaceted transnational dimension.

28. **Mr. Obeid** (Syrian Arab Republic) reaffirmed his country's condemnation of all forms of terrorism and reminded the Committee of its consistent call for a clear and precise definition of the concept that established a distinction between terrorism and the legitimate national struggle against foreign occupation and control, which deserved support. As a country whose territory was partially occupied, the Syrian Arab Republic was not only a victim of terrorism, but was further intimidated by Israel's possession of nuclear weapons, which, moreover, threatened regional peace and security. Arabs and the Palestinian people in particular had a legitimate right to defend their occupied territory by means of force.

29. He fully supported the statement made by the Zimbabwean representative on behalf of the States of the Movement of Non-Aligned Countries, as well as the call of the recent Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held in Durban, for the convening of an international conference to define terrorism and discuss its causes. Although the draft International Convention for the Suppression of Acts of Nuclear Terrorism was a step forward, it fell short of its goal because it was limited to acts perpetrated by individuals, while excluding nuclear terrorism perpetrated by States, as it was doubtful whether ordinary individuals could perpetrate

such acts without State support. Together with countries from other groups, the delegations of countries belonging to the Non-Aligned Movement had clearly expressed their concern and reservations over some of the wording contained in the draft Convention. The Ad Hoc Committee should therefore be given a further opportunity in the near future to conduct a final revision of the articles concerned, including the draft preambular paragraphs. In particular, a more flexible attitude should be adopted concerning the deletion of article 4, paragraph 2. Article 4, paragraph 3, the final preambular paragraph and article 1, subparagraph 6, should also be deleted. Bearing in mind that the final Convention should not serve as a cover to legitimize State terrorism, he hoped that the difficulties concerning article 4 would be resolved in a conciliatory fashion.

30. As insufficient time had been allocated for the examination of significant proposals submitted by various delegations, including his own, the draft Convention failed to address the concerns of all States; its title and the word "terrorism" were undefined, for example, and the scope of terrorism was similarly undetermined. The draft should therefore be referred back to the Ad Hoc Committee, particularly since the Sixth Committee would be continuing its work on the subject in 1999 and since every effort should be made to avoid jeopardizing the universality of a convention dealing with an important subject by subjecting it to a vote or to over-hasty adoption. In that connection, the number of ratifications required should be high enough to represent the membership of the United Nations. A reference should also be made to the 1996 advisory opinion of the International Court of Justice and emphasis laid on the fact that the use or threat of use of nuclear weapons was internationally prohibited, as it was inconsistent to criminalize nuclear terrorism without also criminalizing the use or threat of use of the most dangerous weapon of mass destruction.

31. The problem of terrorism was worsening, particularly in view of the unfounded accusations of terrorism that were made against some States and perpetuated by organized media or political campaigns aimed at serving the purposes of the interested parties. The new form of terrorism was intellectual terrorism, whereby peoples and individuals alike were deprived of their freedoms and rights and classified as terrorists if they showed any sign of protest. The Palestinian people could not be categorized as terrorists for defending their territory and themselves against occupation. Similarly, the Lebanese resistance in southern Lebanon, which had been occupied since the Israeli invasion in 1987, was perfectly legitimate. Conversely, the Israeli occupation of the Syrian Golan since 1967 was a terrorist act and persistent crime. His country vehemently rejected all forms of terrorism, in particular the Israeli terrorism practised in all of the Arab territories which it occupied. Having described the manifestations of that terrorism, he asked why the measures applied to others were not applied to Israel in order to force its withdrawal from those occupied territories. Peoples had a legitimate right to wage a struggle against occupation and for their right to self-determination. International public opinion was therefore misled when legitimate resistance against foreign occupation was portrayed as terrorism. Moreover, no respectable State failed to punish terrorism and its perpetrators under its laws, yet the concept of terrorism was used as a political tool against States which did not yield to certain policies.

32. His country had acceded to several of the international instruments on terrorism and had actively participated in the negotiations concerning the Arab Convention on the Suppression of Terrorism, which it had signed in April 1998. Criminal acts of terrorism were also heavily punished under its internal law, which even provided for the death penalty in that regard.

33. He looked forward to a better world of international peace and security that was free of tension and violence, with particular reference to the Arab region, where he hoped for the establishment of a just and lasting peace. Having drawn attention to the relevant United Nations resolutions on terrorism, he expressed surprise at the apparent reluctance of some delegations to set a specific date for the Ad Hoc Committee to begin work on elaborating a comprehensive convention for combating terrorism. The international community had repeatedly demonstrated its ability to overcome the difficulties involved in the task of elaborating international conventions. He therefore saw no cause for the doubts expressed in the Committee and hoped that real work on the subject would commence in earnest.

34. **Ms. Efrat-Smlig** (Israel), speaking in exercise of the right of reply, said that she wished to refer to the statement made by the representative of Syria. Israel had stated time and again that it would not be the first country to introduce nuclear weapons into the Middle East.

35. With regard to her country's relations with the Palestinians, Israel sincerely believed that peace and terror could not be reconciled, and had paid for peace with tangible assets, not just with words. The Wye River Memorandum signed by Israel and the Palestinians on 23 October 1998 reflected the understanding of both sides that it was in their vital interest to combat terrorism. The Palestinians had undertaken to make known their policy of zero tolerance of terror and violence against both sides, to implement a

detailed work plan to combat terrorist organizations and their infrastructure, to apprehend individuals suspected of perpetrating acts of violence and terror, to prevent the import and manufacture of illegal weapons, to confiscate all such illegal weapons, and to prevent incitement to violence or terror by enacting the necessary legislation to criminalize such acts. Those undertakings were part of the signed memorandum which had been adopted by the Israeli Government on 11 November 1998. Her Government intended to fulfil its own undertakings, and expected the other party to do the same.

36. Concerning her country's relations with Syria, she said that Israel had started negotiations in the framework of the Madrid process, and urged Syria to resume those direct bilateral peace negotiations on the basis of the agreed Madrid formula with no prior conditions.

37. **Mr. Obeid** (Syria), speaking in exercise of the right of reply, said that the representative of Israel had avoided replying to the most important element in his statement, concerning the occupation by Israel of Arab territories. Israel acted as though it was granting the land under discussion, ignoring the fact that it had occupied the whole territory by force. As a result of intensive efforts, Israel had agreed to give up a small part of the territory it had occupied, but what about the rest of the territories?

38. With regard to the Syria-Israel negotiations based on the principle of land for peace, Syria had started those negotiations with good will, but they had come to a standstill on account of Israel. Syria had not refused to continue the negotiations, but merely insisted that they should resume at the point where they had ended. It was not right that at every round, the negotiations should return to square one. Israel must implement the relevant United Nations resolutions; respect international law and return the land to its lawful owners.

39. **Ms. Efrat-Smlig** (Israel), speaking in exercise of the right of reply, said that the representative of Syria should stick to the facts; the fact was that Israel had worked for peace. Israel had not occupied the territories in the first place because it wanted to occupy territories, but because it had been attacked. Israel had given tangible assets and taken risks for the sake of peace. Her Government had just completed an agreement with the Palestinians; it was always ready to negotiate with the Syrians without preconditions, based on Security Council resolutions 242 (1967) and 338 (1973). Israel had done everything possible to negotiate and to reach agreement with its neighbours. It hoped that its neighbours would do the same.

40. **Mr. Obeid** (Syria), speaking in exercise of the right of reply, said he wished to reiterate that Syria was ready to resume negotiations with Israel from the point where they had ended. If Israel wanted to have credibility, it must respect the commitments undertaken during the previous negotiations – by previous Governments – and not constantly insist on renegotiating from square one. Otherwise, each Government could rule out the agreements reached by previous Governments, and no one would be able to trust the pledges made and commitments undertaken by those Governments.

41. The representative of Israel had said that Israel would not be the first country to use nuclear weapons in the region. In fact, Israel was the only country in the region which possessed nuclear weapons and the only one that had not become a party to the relevant conventions. Israel had refused to allow inspection of its facilities by the International Atomic Energy Agency and represented a threat to neighbouring countries, as well as to the peace and security of the whole region. Moreover, Israel had a long history of perpetrating terrorist attacks and massacres.

42. **The Chairman**, summing up the debate on agenda item 155, said that he wished to conclude the debate on a positive note by pointing out that there had been broad recognition of the need to build support for and participate in the existing instruments dealing with specific forms of terrorism, as noted at the current meeting by the representative of Australia.

43. The Committee also had before it a new proposal from France, for which there was emerging support, on the elaboration of an International Convention for the Suppression of Terrorist Financing. The Committee had also duly noted the views of a considerable number of States favouring a comprehensive approach to the question, as proposed by India. The two approaches were not incompatible.

Agenda item 154: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/53/33, A/C.6/53/L.6/Rev.1)

44. **Mr. Gomaa** (Egypt), introducing draft resolution A/C.6/53/L.6/Rev.1, read out the changes and additions that had been made in the draft, most of which merely reflected factual situations and were not intended to change substantive issues which had enjoyed consensus over the years. With regard to operative paragraph 3, there was still no agreement on the duration of the Special Committee's session. Consultations on the matter would continue, but it seemed that most delegations wished the Special Committee to meet for two weeks, as it had in the past.

The meeting rose at 4:55 p.m.